

In the introductory text for this rulemaking, the observation is made that the lack of copy protection for digital broadcasts may impede the transition to digital television. I would like to emphasize the "may" of that assertion. Other factors, such as features and cost, will likely play a much larger role in the pace of the transition.

In the footnotes, it is shown that content providers have asserted that they will not release digital television content without copy protections built into future television devices. I suggest that we look to the past where similar claims have been made, and take note that home taping of audio and video have not stopped the content providers from providing their product. Even with the publication of the method for video disk scrambling, digital movies are still being published and are readily available.

I believe those that are unwilling to be a supplier will be replaced by a more nimble competitor. Although the barriers to the content production market have been very high, the tools to produce digital content are now available to an increasingly larger population. Competition assures us that there will be plenty of content for many years to come.

The exclusive right to copy content for commercial gain is an important premise that provides an incentive to create. The mechanism for enforcing that exclusive right depends on a legal framework that should be upheld. In practice, however, a content provider ultimately relies on the goodwill of it's audience to cooperate with the law.

The "flag" proposal achieves no further goal than exists today, as the receiving device is under the exclusive control of the device owner. There is nothing that physically prevents the owner of the receiver from altering the device in the privacy of their home, even with the threat of new law, apart from the same goodwill that applies today. Suppression of modification information will not be effective.

A mandatory implementation of the "flag", however, would necessarily require a costly enforcement regime. The long-term burdens created by the required industry regulation can't be justified by the marginal, near-term gain claimed necessary by the content providers of today.

Please do not allow the fears of a few to dominate the decision-making process. (The assertion that =93digital is different=94 is false, as high-quality analog content is, and has been, as easily reproduced digitally.) As a purchaser, my decision to buy a digital receiver will not be based upon whats showing on television tomorrow night.

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